

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

FEB 24 1999

IN THE MATTER OF:

DOCKET NUMBER: 98-00585

COUNSEL: None

HEARING DESIRED: Yes

APPLICANT REQUESTS THAT:

He be given consideration for promotion to the grade of lieutenant colonel by Special Selection Board (SSB) for the Calendar Year 1997C (CY97A) Colonel Board with his current duty title, "Deputy Group Commander," effective 1 September 1997, added to his Officer Selection Brief (OSB).

APPLICANT CONTENDS THAT:

His title should have been changed on 1 September 1997 to the requested duty title when he assumed the responsibilities of that position. The administrative oversight was not detected until 1 February 1998.

In support, he provides statements from his commander, as well as his 10 August 1997 letter to the CY97A board president.

A copy of applicant's complete submission is at Exhibit A.

STATEMENT OF FACTS:

Applicant was considered but not selected by the CY97A board, which convened on 5 November 1997.

The OSB reviewed by the CY97A board reflected applicant's latest duty title as "Director of Dental Services," effective 25 July 1997.

The Personnel Data System (PDS) currently reflects applicant's latest duty title as "Deputy Group Commander," effective 1 September 1997.

AIR FORCE EVALUATION:

The Chief, Reports & Queries Team, HQ AFPC/DPAIS1, reviewed the appeal and, based on the commander's letter, concurs with updating applicant's duty title as requested. Recommendation is deferred to HQ AFPC/DPPPA.

A copy of the complete Air Force evaluation is at Exhibit C.

The Chief, Promotion, Evaluation & Recognition Division, HQ AFPC/DPPPA, also evaluated the case and advises that Officer Pre-Selection Briefs (OPBs) for the board were sent to the Military Personnel Flights (MPFs) on 26 July 1997 and should have been distributed to those eligible for promotion consideration approximately 10 days later. The Chief assumes the applicant received the OPB as he made no mention of not receiving it or reviewing it for accuracy. The OPB contains the same data that will appear on the OSB. Due to the logical sequencing of events, the Chief believes the applicant discovered the duty title omission when he received his OPB in early August 1997 and wrote a letter to the board president to ensure it was considered by the board. However, he did not follow-up with the appropriate base level authorities to ensure the PDS was updated prior to the board. Had he done so, the contested duty title entry would have been present, not only on the letter he wrote to the board but also on his OSB. As he did not show the proper diligence to ensure his records were correct, and in view of the letter to the board president, the Chief is strongly opposed to SSB consideration.

A copy of the complete Air Force evaluation is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Complete copies of the evaluations were forwarded to the applicant on 4 May 1998 for review and comment within 30 days. As of this date, no response has been received by this office.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. After a thorough review of the evidence of record and applicant's submission, we are not persuaded he should be afforded SSB consideration for the CY97A board with an amended OSB. The applicant's contentions are duly noted; however, we do not find these assertions, in and by themselves, sufficiently persuasive to override the rationale provided by the Chief, Promotion, Evaluation and Recognition Division. The applicant's most recent duty title may have been missing from the OSB; however, the Chief's arguments against granting the applicant SSB consideration on this basis are valid and convincing. We

therefore agree with the recommendations of HQ AFPC/DPPPA and adopt the rationale expressed as the basis for our decision that the applicant has failed to sustain his burden that he has suffered either an error or an injustice. In view of the above and absent persuasive evidence to the contrary, we find no compelling basis to recommend granting the relief sought.

4. The documentation provided with this case was sufficient to give the Board a clear understanding of the issues involved and a personal appearance, with or without legal counsel, would not have materially added to that understanding. Therefore, the request for a hearing is not favorably considered.

THE BOARD DETERMINES THAT:

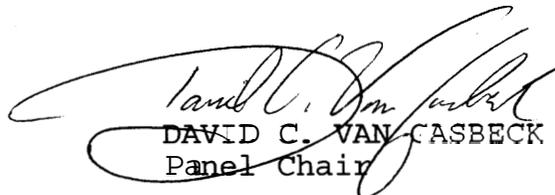
The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

The following members of the Board considered this application in Executive Session on 5 November 1998, under the provisions of AFI 36-2603:

Mr. David C. Van Gasbeck, Panel Chair
Mr. Edward H. Parker, Member
Ms. Patricia A. Vestal, Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 19 Feb 98, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, HQ AFPC/DPAIS1, undated.
- Exhibit D. Letter HQ AFPC/DPPPA, dated 20 Apr 98.
- Exhibit E. Letter, AFBCMR, dated 4 May 98.


DAVID C. VAN GASBECK
Panel Chair